

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1731.01
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	April 12, 2001
DATE OF REPORT:	May 11, 2001
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	September 6, 2001

COMPLAINT ISSUES:

Whether the Greencastle Community School Corporation and the Old National Trail Special Services violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to notify the parent when a problem with the student occurs at school.
- 511 IAC 7-27-6 and 511 IAC 7-17-64(6) with regard to the school's alleged failure to assure that the case conference committee (CCC) developed an IEP that included special education services designed to meet the unique needs of a student, specifically determining the amount of speech therapy services to be provided based the availability of the speech therapist rather than the student's needs.

FINDINGS OF FACT:

1. The student (Student) is 14 years old and eligible for special education services as a student with Autism.
2. The Student was involved in three incidents of inappropriate behavior in September, 2000. After the first incident on September 15, 2000, the classroom teacher e-mailed the Student's behavior consultant that the Student's behavior was escalating. When the second incident occurred on September 18, 2000, the classroom teacher called the behavior consultant and reported the incident. The Director stated that the School assumed the behavior consultant informed the Complainant about the Student's behavior. After the third incident on September 19, 2000, the assistant principal called the Complainant and informed her of the third incident.
3. The IEP of April 26, 2000, does not indicate that incidents of inappropriate behavior will be reported to the Parent. The CCC Report/IEP dated September 22, 2000, indicates that the Complainant expressed the need for increased communication between the School and home regarding the incidents of inappropriate behavior. However, no specific plan for communicating with the parent was identified.
4. The CCC Report dated October 13, 2000, indicates that the Assistant Principal was to provide a written report regarding the September, 2000, incidents to the Complainant as soon as possible. The Complainant states that the written report has not been received. The IEP dated October 13, 2000, does not contain a specific plan for communicating with the parent.

5. On March 14, 2001, the fourth incident of inappropriate behavior occurred. At that time, the Student was residing with the Father. The Father and the Complainant reside in separate residences. The classroom teacher wrote a note home to the Father documenting what had occurred since that is where the Student was residing. The Complainant states that she did not know about the note that was sent home to the Father until March 20, 2001, and was concerned that she was not notified of the incident personally.
6. The IEP dated April 26, 2000, documents the amount of speech therapy as being 40 minutes each week. On page 9 under comments it states: "If more time is available, this 'speech' time may increase." The Special Education Director stated the comment on Page 9 was intended to "inform the parents that there may be times when additional speech will be offered". (absences of other students, students attending study trips, etc.) The Director stated that the comment was not intended to "suggest that the recommended frequency and length of time was inadequate" to meet the Student's needs.
7. The Complainant stated that at the conference held on April 26, 2000, she asked that the Student receive more speech therapy than the 40 minutes per week stated in the IEP. The School responded saying more time would need to be worked into the speech therapist's schedule for that to happen. The complainant stated the following comment was then written on page 9 under comments: "If more time is available, this 'speech' time may increase."

CONCLUSIONS:

1. Findings of Fact #2, #3, #4, and #5 indicate that the IEP dated September 22, 2000, did not include a plan for notifying the Parent of inappropriate behavior. However, the CCC Report dated October 13, 2000, indicates that the Assistant Principal was to provide a written report regarding the September incidents and this has not been done. Therefore, a violation of 511 IAC 7-27-7(a) occurred.
2. Findings of Fact #6 and #7 indicate a disagreement about the nature of the written comment on the Student's April 26, 2001, IEP that "[i]f more time is available, this 'speech' time may increase." Without any objective way to determine the intent of the comment, the Division cannot determine whether violations of 511 IAC 7-27-6 and 511 IAC 7-17-64(6) occurred. However, in light of the disagreement, corrective action is warranted to resolve the issue.

The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Greencastle Community School Corporation and the Old National Trail Special Services shall:

1. provide the Complainant with written documentation regarding the three behavior incidents on September 15, 18, and 19, 2000. **A copy of an assurance letter shall be submitted to the Division stating that the written documentation was mailed to the Complainant. This is to be received by the Division no later than May, 25, 2001.**
2. reconvene the CCC to identify a plan for communicating with the Complainant when incidences of

inappropriate behavior occur with the Student. In light of the apparent disagreement about the nature of the comment on the IEP and the recommended amount of speech therapy services, the CCC also needs to address the issue of speech therapy needed to meet the Student's unique needs. **A copy of the CCC Report/IEP must be submitted to the Division no later than June 1, 2001.**

DATE REPORT COMPLETED: May 11, 2001